

REMARKS

The specification was heavily amended in the preliminary amendment, including the introduction of one or more carriage returns in the middle of paragraphs. Applicant's original response cited to the page and line numbers of the substitute specification that was submitted as part of the preliminary amendment. In light of the Notice of Non-Compliant Amendment, Applicant herein returns to the page and line numbers of the application as originally filed. Note, however, that the introduction of the carriage returns causes the citation to the beginning of the paragraph to be a bit cumbersome.

Applicant has carefully reviewed the Office Action of 17 January 2003 and offers the following remarks to accompany the above amendments.

Initially, Applicant has found several typographical errors in the specification. The amendments to the specification correct these errors. No new matter is added.

Summary of the Invention

Before addressing the merits of the rejections based on the references, Applicant provides a brief summary of the present invention so that the remarks are placed in the proper context. The present invention is a system that helps people learn and play music. To achieve this end, the present invention provides strongly linked mnemonics in the visual representations of the notes in the sheet music. Specifically, the present invention matches the seven named notes (A, B, C, D, E, F, G) with colors that have an alliterative name (e.g., the note "C" is matched with the color "carrot," which begins with the letter "c"). Further, the seven named notes are matched with an animal whose name alliterates with the name of the note (e.g., the note "A" is matched with the animal "ant," which begins with the letter "a").

Various embodiments of the present invention also allow for the use of pitch marks. A pitch mark is a vertical dash on the left or right side of the note. The number of dashes indicates the number of octave groups above or below the central octave group. For example, a pitch mark on the left indicates a lower pitch than the octave group containing middle C.

Further embodiments take the mnemonic aspect of the animal name a step further. Characteristics of the animal are caricaturized and appended to the notes. For example, the ant's antennae are attached to the note to evoke mnemonic recollections of the note A.

Applicant uses the term "alliterative" in the sense of the meaning provided by Oxford University Press: "alliteration: the occurrence of the same letter or sound at the beginning of adjacent or closely connected words." This is distinguished from assonance and consonance which are "relatively close juxtaposition of similar sounds especially of vowels," and "recurrence or repetition of consonants," respectively. Thus, alliteration, as used herein, is the generic term that encompasses both consonants and vowels.

Summary of Cited References

In contrast, the references of record, namely Coonce, do not show this sort of alliterative mnemonic pairing. For example, note position indicator 2 corresponds to an "A" note and has the color orange associated therewith. Orange does not alliterate with "A." Similarly, note indicator 4 corresponds to the "B" note and has yellow associated therewith. Yellow does not alliterate with "B."

New claims 122-176

Applicant herein presents new claims that highlight the differences between the cited references and the present invention. Applicant also believes that the new claims are free of any of the § 112 issues raised in the Office Action. Applicant addresses the new independent claims below to highlight the differences between the claims and the references of record.

Claim 122 recites a method of illustrating a musical note. This method associates a color whose name begins with the same letter as the letter name of the musical note, i.e., alliterates. This colored note is then presented. In contrast, Coonce teaches that colors whose names do not begin with the letter of the note are used. As explained above, yellow may be used with the B note. Thus, Coonce does not teach or suggest the claim elements.

Claims 123-142, which depend from claim 122, recite some of the various embodiments of the present invention. For example, claim 123 recites that an animal is associated with the note. The name of the animal alliterates with the name of the note. Claim 124 recites the animal characteristics. These correspond to the antennae, ears, bumps, and the like (42). Claims 125-128 recite the pitch marks (39) and their permutations. Other claims recite other aspects of the present invention. While they are not addressed specifically, it should be appreciated that many of these elements are not shown or suggested by the references of record, either alone or in combination.

Claim 143 is a system claim for illustrating a musical note. The system comprises means for presenting a musical note having an alliterative associated color. Specifically, the name of the color alliterates with the name of the note. As explained above, Coonce does not teach or suggest a system whose colored notes have colors whose names alliterate with the name of the note.

Claims 144-158 recite some of the various embodiments of the present invention, much like claims 123-142. For example, claims 144-146 illustrate that the means can be a sticker, a musical instrument, or a musical score. Support for this can be found in original claim 12, Figure 1, and Figure 4, respectively.

Claim 159 recites several of the elements that appear in separate dependent claims that depend from claim 122. However, claim 159 recites the same element that the color of the note must alliterate with the name of the note. As explained above, the references of record do not teach or suggest this element.

Claim 165 recites a method of illustrating a musical composition wherein the structural elements of the score are colored according to the compositional key in such a manner that the name of the color of the structural components alliterates with the name of the compositional key.

Claim 168 recites a method of illustrating the accidental in the key signature. This can be seen in Figure 4 and at page 24, lines 1-5. The color on the accidentals helps students identify with a simple glance which notes are sharped or flatted as a function of the compositional key of the musical score.

Claim 172 is an alternate method claim that recites a colored note in conjunction with a pitch mark. In contrast, Coonce only has colored notes and does not have a pitch mark presented concurrently with the note, and especially does not have one that is made from vertical dashes.

Conclusion

As explained above, the references of record do not teach that the name of the color alliterates with the name of the note or the name of the note of the compositional key. Further, none of the references of record suggest combining a pitch mark with a colored note. Thus, the references of record do not teach or suggest the claims as rewritten. Applicant requests reconsideration of the rejection and claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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